United Nations A/58/117

General Assembly

Distr.: General
3 July 2003
English
Original: Arabic/English/Russian/
Spanish

Fifty-eighth session
Item 74 (m) of the preliminary list*
General and complete disarmament

Missiles

Report of the Secretary-General

Contents

		Page
I.	Introduction	2
II.	Replies received from Member States	2
	Antigua and Barbuda	2
	Argentina	2
	Cuba	3
	El Salvador	7
	Mexico	8
	Qatar	8
	Russian Federation	9
	Venezuela	10

* A/58/50/Rev.1 and Corr.1.

03-42245 (E) 250703 280703

I. Introduction

1. In paragraph 2 of its resolution 57/71 of 22 November 2002, entitled "Missiles", the General Assembly requested the Secretary-General to seek the views of Member States on the report on the issue of missiles in all its aspects (A/57/229) and to submit a report to the Assembly at its fifty-eighth session.

2. By a note verbale dated 5 March 2003, Member States were invited to communicate their views on the issue. Replies were received from Antigua and Barbuda, Argentina, Cuba, El Salvador, Mexico, Qatar, the Russian Federation and Venezuela. Their replies are reproduced in section II below. Any replies received subsequently will be issued as addenda to the present report.

II. Replies received from Member States

Antigua and Barbuda

[Original: English]
[3 April 2003]

Antigua and Barbuda has no scientific expertise on missiles but is totally opposed to their use in conflict and is supportive of their eradication.

Argentina

[Original: Spanish]
[13 May 2003]

1. The preparation of this report, the first comprehensive effort on the part of the international community to deal with the issue of missiles within the framework of the United Nations, is most welcome, in particular for its exhaustive analysis of the historical background and current situation with regard to missiles, including their capability and characteristics, existing measures and current initiatives, as well as for the identification by experts of concerns such as their growing sophistication and the possibility of using them to deliver weapons of mass destruction as well as conventional weapons.

2. The Government of Argentina welcomes paragraph 27 (d) of the report, on peaceful uses, and paragraph 72, which acknowledge that there are similarities between space launch vehicle (SLV) technologies and those required for ballistic missiles for military purposes.

3. Although Argentina takes note of paragraph 27, with regard to the Missile Technology Control Regime (MTCR) and The Hague Code of Conduct Argentina has maintained that there are various criteria and situations which would allow a country to develop a space launch vehicle within the context of a peaceful, civilian and transparent space plan while at the same time providing guarantees to the international community that it was not developing a missile programme. Therefore, in accordance with paragraph 72, Argentina upholds the right of States to pursue the peaceful uses of space and to utilize its benefits for peaceful purposes.

4. With regard to paragraph 44 of the report, Argentina is an active member of the Missile Technology Control Regime (MTCR). In September 2003, on the occasion of the XVIIIth plenary in Buenos Aires, the Director for International Security, Nuclear and Space Affairs of the Ministry of Foreign Affairs, Foreign Trade and Religion will assume the Argentine Chairmanship of the Regime.

5. Finally, Argentina welcomes paragraph 3 of General Assembly resolution 57/71, which requests the Secretary-General, with the assistance of a Panel of Governmental Experts, to explore further the issue of missiles in all its aspects and to submit a report for consideration by the General Assembly at its fifty-ninth session.

Cuba

[Original: Spanish]
[4 June 2003]

1. Cuba considers any attempt to reduce the number of and eliminate situations that pose a threat to international peace and security and to promote peaceful coexistence between the peoples of the world to be important.

2. Recent history has seen a serious deterioration of the international situation, characterized by the hegemonic, unilateral and aggressive diplomacy of the world's super-Power, which acts with total disregard for multilateral institutions and practices, including the network of international treaties on disarmament and arms control, in particular those relating to weapons of mass destruction.

3. That situation confirms the need to promote concrete measures aimed at countering the marked tendency to impose unilateral, selective and discriminatory solutions for problems which affect mankind as a whole. It is in this context that Cuba supports the General Assembly's efforts to deal with the issue of missiles in all their aspects.

4. Cuba welcomes and takes note of the report of the Secretary-General on the issue of missiles in all its aspects (A/57/229). It is, however, of the opinion that third world countries are not sufficiently well represented on the Panel of Governmental Experts established to explore the issue of missiles in all its aspects and is convinced that greater participation by those countries in the future will contribute greatly to the Panel's work. It must not be forgotten that although the majority of those countries do not possess and have never possessed missile technologies or have no access to the latter, they are located in regions where missiles might be used or are directly or indirectly threatened by countries which possess missiles.

5. Independently of the above comment, Cuba, after closely studying the report of the Secretary-General, believes it to be a useful document which provides a large quantity of updated technical information on the status of current discussions relating to the issue of missiles, as well as on initiatives in that regard undertaken by the international community.

6. Cuba welcomes the report as a first effort on the part of the United Nations to seek solutions to the issue of missiles in all its aspects, and believes the report to be technically sound. It describes in great detail the historical background and provides a precise overview of the current state of missile technology as well as the dangers

and threats inherent in the proliferation of its use for military purposes would imply. It also lists all the treaties and agreements which deal explicitly or implicitly with the issue of missiles, although none of them can be said to constitute a binding legal instrument which establishes principles for the development, testing, production, acquisition, transfer, deployment or specific use of missiles. The report of the Panel of Experts also recognizes the right to the peaceful use of missile technologies.

7. While it recognizes that the report is but a first effort on the part of the United Nations to deal with the issue of missiles in all its aspects, Cuba hopes that in the future efforts of this kind will not be purely descriptive and will make concrete recommendations on how to deal with a problem which is directly related to the maintenance of international peace and security.

8. Cuba takes note of paragraph 3 of General Assembly resolution 57/71 and looks forward with interest to the findings of the Panel of Experts' continuing review of the issue of missiles in all its aspects, in the hope they will encourage and serve as a basis for more in-depth, substantive and action-oriented discussion on the part of Member States. A comprehensive, fair and non-discriminatory solution to the issue of missiles in all its aspects which takes into account the concerns of all countries with regard to international and regional security is urgently needed in the current complex international situation.

9. Cuba is convinced that the United Nations is the ideal multilateral forum for dealing with the issue of missiles in all its aspects. It can deal with military aspects, but can also consider the peaceful uses of missiles in the area of space exploration and the peaceful use of outer space for the benefit of humanity.

10. Recent history has demonstrated that narrow, selective approaches to dealing with issues relating to disarmament and arms control have not produced results which are sustainable and effective in the long term. Cuba is not in favour of approaches based solely on non-proliferation measures in which the rights and obligations of each State generally vary according to its power, state of technological advancement and political influence in international forums.

11. Only the employment of a systematic approach which includes components such as disarmament, non-proliferation, verification, assistance and international cooperation can lead to a definitive and truly effective solution to the concern raised by the proliferation of missiles.

12. Cuba is prepared to begin multilateral negotiations based on such an approach immediately, with a view to agreeing on a non-discriminatory and legally binding international instrument which prohibits the use of missiles for military purposes. The General Assembly and the Conference on Disarmament are the appropriate forums for that purpose.

13. Cuba has always believed that when dealing with the problem of proliferation one must take into account both the horizontal and vertical aspects of that phenomenon. In other words, one must analyse both the potential for transfer of existing technologies as well as continued advances in programmes for ballistic missiles capable of carrying weapons of mass destruction. Such missiles do not in themselves pose a threat; they become a threat when included in a programme for the development of nuclear, chemical or biological weapons.

14. It is widely acknowledged that there is a link between ballistic missiles and weapons of mass destruction, particularly nuclear weapons, the use of which generally involves the parallel development of missile construction programmes. Solutions aimed at preventing the use of ballistic missiles for military purposes therefore require meeting the objective of the total elimination of weapons of mass destruction, which generally means nuclear weapons. Cuba reiterates its long-standing position in favour of nuclear disarmament, including delivery systems, by means of a phased programme within a given time frame.

15. In the context of efforts to achieve nuclear disarmament, Cuba is of the view that it is very contradictory on the one hand to promote measures designed to curb the development of ballistic missile programmes while, on the other, designing and undertaking the installation of new anti-missile defence systems which, in practice, further contributes to the proliferation of these means and, even worse, would be a further stimulus to the arms race.

16. Cuba would also like the Panel of Experts to explore not only measures to avoid the proliferation of ballistic missiles capable of carrying nuclear, chemical and bacteriological weapons, as it has done to date, but also the issue of highly accurate cruise missiles armed with conventional high explosive warheads. It must not be forgotten that the latter are increasingly powerful and are used on a massive scale in contemporary military conflicts, making them a more immediate and direct threat to international peace and security.

17. The preceding paragraphs deal with the security aspects of the issue. Nevertheless, in accordance with the systemic and comprehensive approach which it advocates, Cuba believes that it is equally important to address the questions relating to the strengthening of international assistance and cooperation for the peaceful use of missile technologies. Both aspects are interrelated and mutually reinforcing.

18. It is a fact that given their dual-use nature, missiles also have peaceful applications in the context of space activities. Cuba is thus convinced that the international community must concentrate on limiting to the fullest extent possible the use of missiles for military purposes with a view to finally prohibiting such use and promoting the peaceful use of missile technologies under international supervision.

19. The technology needed to develop high-precision ballistic or cruise missiles capable of carrying weapons of mass destruction or sophisticated conventional weapons is the exclusive domain of a handful of States. On the other hand, the goals of development and economic growth, for example in the area of communications and telecommunications technologies, are shared by all countries, in particular the underdeveloped countries.

20. For Cuba the link between the concepts of disarmament and development is more relevant and important than ever. Tremendous resources are currently being allocated to the military while there is an unprecedented increase in the countless calamities, such as poverty, hunger and preventable and curable illnesses, which afflict the peoples of the world, in particular the third world. At the same time, accelerated technological development is taking place which has great potential to resolve those grave problems.

21. Concrete measures to promote the socio-economic development of all countries must therefore be designed. These measures could include, for example, widespread and non-discriminatory application of the findings of research derived from the peaceful use of outer space; joint research for peaceful purposes; transfer of related technologies; financial assistance for the development of peaceful projects; and the elimination of all barriers, whether economic or political, to the development of peaceful international cooperation in that sphere.

22. In that context, Cuba rejects export control regimes which are based on selective and discriminatory criteria and in practice constitute a serious barrier to the exercise of the inalienable right of all States to use the various missile vehicles and technologies for peaceful purposes.

23. International monitoring of exports and imports should include among its basic tenets the broadest possible participation of States which are ready to harmonize their national controls and regulations with a view to facilitating monitoring. Only such wide-ranging and non-discriminatory participation can guarantee effective achievement of the desired objectives.

24. Continued globalization, with its impressive technological advances, in particular in the area of information technology and telecommunications, extends and reinforces the impact of international trade, and involves a larger number of players in that trade. There is a directly proportional relationship between the effectiveness of international export and import mechanisms and increased participation in them by countries.

25. Bearing that in mind, the most effective model for controlling exports and imports is a model which is negotiated and implemented within a multilateral framework. Participation by States from all regions of the planet means that the imperatives of the phenomenon of globalization and the individual characteristics of trade in each of the regions in which globalization occurs are taken into account.

26. Furthermore, efforts to facilitate the improved functioning of such export and import control mechanisms in the long term should not be separated from the issue of international cooperation for the peaceful use of science and technology for the socio-economic development of countries, in particular the countries of the South.

27. Controls on the export and import of dual-use technologies are not an end in themselves but simply a useful tool which States possess to prevent such scientific and technological advances from being diverted to military purposes. Keeping them separate from a system made up of both security and development components can only make them more ineffective. It is clear, then, that such mechanisms, if they are truly to prevent the development of weapons, must be part of a system which includes the elements of disarmament, non-proliferation, verification and international cooperation for socio-economic development.

28. Accordingly, Cuba has stated that the initiative on a draft international Code of Conduct against Ballistic Missile Proliferation contains basic flaws and limitations which make it unacceptable. It is not based on a systemic and integrated model which would guarantee its effectiveness and does not include real measures to promote nuclear disarmament. It is aimed only at promoting measures for horizontal non-proliferation, as perpetuating the right of a very small number of States to continue perfecting their missile technologies for military uses, while not including

concrete measures to promote the peaceful use of such technologies by all countries, in particular the underdeveloped countries.

29. Cuba therefore does not agree, as stated in the report (para. 64), that a draft "International Code of Conduct against Ballistic Missile Proliferation" would be an instrument which could promote the prevention and curbing of the proliferation of ballistic missile systems. Neither would it adequately establish global principles and commitments, or transparency or other confidence-building measures, because it does not reflect the legitimate security-related interests and priorities of many countries and because it is not a balanced proposal capable of securing universal acceptance.

30. Rather than such half measures, Cuba believes a legally binding international instrument must be developed which prohibits the use of missiles for military purposes and which would include strict mechanisms for the control of the export and import of such technologies and contain clear commitments regarding international cooperation for their peaceful use.

31. Once such a commitment has been made and negotiations on an instrument have begun, the adoption of a code of conduct which establishes principles and commitments for limiting the proliferation of missiles for military purposes would have greater political and practical meaning.

32. We are aware of the lack of political will in some States which are far advanced in those technologies to facilitate and enter into negotiations in that regard. Be that as it may, Cuba is convinced that continuing export and import control regimes which are selective and discriminatory, do not imply a firm commitment to the total prohibition of the use of missiles for military purposes and do not clearly and tangibly promote international cooperation for the socio-economic development of States will result in the continued risk of development of sophisticated weapons, in particular weapons of mass destruction, and the risk of their use, with disastrous consequences for humanity.

33. Cuba hopes that the Panel of Experts will continue studying the issue of missiles in all its aspects, taking into account these points, and looks forward to the results of that review which should include concrete recommendations for the consideration of Member States which will lead to a fair, comprehensive and non-discriminatory solution to the issue of missiles in all its aspects.

El Salvador

[Original: Spanish]
[3 July 2003]

1. Every year, in its report to the United Nations Register of Conventional Arms, including category VII arms, El Salvador has stated that it has not acquired any missiles.

2. The Declaration of the Presidents of Central America and the Dominican Republic and the representative of the Prime Minister of Belize, on the Non-Participation in the Acquisition of Strategic High-Technology and High-Cost Weapons of Mass Destruction was signed on 6 November 1997.

3. The Framework Treaty on Democratic Security in Central America (articles 34, 35 and 37) reaffirms the commitment of the Parties to refrain from building, acquiring or allowing the construction in their territories of facilities, which could be used to produce or stockpile such weapons.

Mexico

[Original: Spanish]
[13 May 2003]

1. Mexico is concerned by the increase in recent years in the development, production, testing, technical improvement, stockpiling, transfer and proliferation of missiles, especially given their ability to carry weapons of mass destruction.

2. Mexico also regrets that in spite of unilateral, bilateral or multilateral efforts to establish controls on missiles, to date there is no universally accepted norm or instrument for that purpose. Neither is there any international consensus on how to approach this issue of fundamental importance for international peace and security.

3. During the fifty-seventh session of the General Assembly, Mexico supported the adoption of resolution 57/71 entitled "Missiles", which welcomed the report of the Secretary-General on the work of the Panel of Governmental Experts on missiles established pursuant to resolution 55/33 A, and requested the Panel to explore the issue of missiles in all its aspects and to submit a report for consideration by the General Assembly at its fifty-ninth session.

4. The Government of Mexico acknowledges that the report of the Panel of Experts is only the first attempt by the United Nations to deal with the issue of missiles in all its aspects and that the complexity of the issue prevented the Panel from making recommendations on a course of action.

5. Nevertheless, Mexico hopes that in its next report the Panel of Experts will have made progress towards drafting recommendations, in particular on the link between missiles and weapons of mass destruction, dual-use technologies and possible confidence-building measures.

6. The issue of missiles in all its aspects should be considered within the context of an inclusive, multilateral and non-discriminatory process and should lead to a legally binding agreement.

Qatar

[Original: Arabic]
[5 May 2003]

1. A connection should be made between medium- and long-range ground-ground ballistic missiles and weapons of mass destruction with respect to the prohibition, removal and elimination of such weapons.

2. The range of ground-ground ballistic missiles should not exceed 150 kilometres; that restriction should be imposed on all regional and international States without exception.

3. Permanent inspection commissions should be formed and a mechanism should be devised for implementing removal and elimination procedures; sanctions should be imposed upon Member States that do not comply.

Russian Federation

[Original: Russian]
[30 May 2003]

1. The Russian Federation commends the report of the Secretary-General "The issue of missiles in all its aspects" (A/57/229). The document contains useful information and is balanced and analytical. It accurately reflects the problems associated with analysis of the proliferation of missiles, and gives a retrospective analysis of the development of ballistic missile weapons of various classes and performing various roles employed in various spheres of military activity. It gives an overview of the current system of international measures aimed at reducing the risk of missile proliferation. On the whole, the report objectively reflects the existing situation in the world associated with the problem of ballistic missiles.

2. Despite the fact that the preparation of this document was the first attempt made by the United Nations in this area, it yielded certain results. The report rightly points the international community towards a need to resolve the urgent problems of the spread of missile proliferation. It reflects the concern that, with the missile arsenals now amassed in the world, there are as yet no universally acknowledged norms and instruments in the missile sphere.

3. In this sense, the report, for all its positive aspects, does not provide a response to the issue of the practical steps that should be taken in this area for purposes of limiting and halting the proliferation of missiles. For objective reasons associated with working on a consensus basis, it was naturally not possible to reflect in the report specific recommendations regarding possible solutions that would provide for the establishment of an appropriate legal basis. Unfortunately, the government experts who put forth proposals on this subject did not meet with understanding on the part of certain members of the Panel.

4. In particular, the Russian Federation proposed a memorandum of intent in the field of missile proliferation and the conduct of negotiations under United Nations auspices, preferably in the Conference on Disarmament. The purpose of such negotiations would be to draw up a legally binding agreement on a universal missile proliferation regime based on the idea of a global monitoring system for missile proliferation and missile technology, and also on other existing ideas and proposals on the subject.

5. Bearing in mind that the work on the report was conducted in a situation in which countries spoke from various sometimes diametrically opposed positions, on many issues it was not possible to reach agreement. This is an additional argument for the importance of continuing the work within the framework of the United Nations. In so doing, attention should be focused on a programme of action aimed at preventing the proliferation of missiles and missile technology, and thus at reducing the missile threat. It is important to draw up recommendations on directions for further activity within the framework of the United Nations.

6. In further work on the report, more prominence could be given to the use of missiles for the peaceful conquest of outer space, and to issues of joint international activity in that sphere. It would make sense to reflect the topic, widely discussed in the international community, of the possibility of missiles falling into the hands of terrorist groups and individual terrorists, from the standpoint of the threat arising in this connection. The primary attention in this context should be paid to portable anti-aircraft missile systems, rocket projectiles and short-range missiles. The possibility of terrorist organizations and individual terrorists using missiles for purposes of provocation can also not be excluded.

7. The appropriate prerequisites for continuing the work are available: the existing report on missiles, which reflects the experience of joint study of the problems; a number of specific recommendations for further steps put forward by a number of experts, including those from Canada, China, India, Iran (Islamic Republic of), South Africa, Ukraine and other countries. It would make sense to focus further work in the United Nations in the area of missiles on the search for mutually acceptable solutions based on what has been achieved. Obviously, the main efforts must be directed towards drawing up universal international norms to regulate the activity of and relations among States in the area of missiles in accordance with the Secretary-General's repeated statements on this subject. There is a need for an appropriate basis in treaty law along the lines of what has been developed with regard to the non-proliferation of nuclear weapons, the prohibition of chemical and biological weapons, the regulation of the activity of States in outer space and so forth.

8. The participation of interested States in this work on a non-discriminatory and equitable basis will serve as a guarantee of success, and only the United Nations, as the most representative and universal organization, can offer these possibilities. The Russian Federation is ready to continue discussion in the United Nations on the problem of missiles.

Venezuela

[Original: Spanish]
[5 June 2003]

The Government of Venezuela, having reviewed the report of the Secretary-General (A/57/229), agrees with the ideas contained therein. It believes that the link between ballistic missiles and weapons of mass destruction, in particular nuclear weapons, and reports of a possible increase in the number of missiles in the Middle East, a vulnerable region from the point of view of international peace and security, should be highlighted. The Government of Venezuela also agrees with the need to adopt a comprehensive and non-discriminatory approach to the issue of missiles, in order to achieve disarmament and security worldwide. Venezuela agrees with the position of those States which support consideration of the issue of missiles for peaceful purposes, on the understanding that ballistic missiles can be of great use in activities linked to the exploration and beneficial use of outer space, which is the shared heritage of all mankind, irrespective of technological advances achieved by various States.

United Nations A/58/118

General Assembly

Distr.: General
3 July 2003

Original: English

Fifty-eighth session
Item 119 (b) of the preliminary list*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedom

Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities

Note by the Secretary-General

I have the honour to submit to the General Assembly, pursuant to General Assembly resolution 57/229 of 18 December 2002, the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

* A/58/50/Rev.1 and Corr.1.

03-42014 (E) 220703

BEST COPY AVAILABLE

Draft report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities

I. Introduction

1. In its resolution 56/168 of 19 December 2001, the General Assembly decided to establish an Ad Hoc Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on the holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development.

2. The Assembly in its resolution 57/229 of 18 December 2002 also decided that, prior to its fifty-eighth session, the Ad Hoc Committee should hold at least one session of a duration of 10 working days in 2003.

II. Organizational matters

A. Opening and duration of the second session

3. The Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities held its second session at United Nations Headquarters from 16 to 27 June 2003. In the course of its session, the Ad Hoc Committee held 14 plenary meetings, three meetings for panel discussions and a number of informal meetings.

4. The Division for Social Policy and Development of the Department of Economic and Social Affairs acted as the substantive secretariat, while the Disarmament and Decolonization Affairs Branch of the Department of General Assembly Affairs and Conference Management served as secretariat of the Ad Hoc Committee.

5. The second session of the Ad Hoc Committee was opened by the Chairman of the Committee, Mr. Luis Gallegos Chiriboga, Ambassador and the Permanent Representative of Ecuador to the United Nations. Ambassador June Yvonne Clarc of Barbados, the special representative of the President of the General Assembly, made a statement.

6. The Secretary-General of the United Nations also addressed the Ad Hoc Committee at its 8th meeting on 19 June.

B. Officers

7. At its first meeting, on 16 June, the Ad Hoc Committee elected Ms. Ivana Grollova of the Czech Republic as Vice-Chairperson of the Committee by acclamation. The following officers continued to serve on the Bureau of the Committee:

Chairman:
Luis Gallegos (Ecuador)

Vice-Chairmen:
Ivana Grollova (Czech Republic)
Enrique Manalo (Philippines)
Jeanette Ndhlovu (South Africa)
Carina Mårtensson (Sweden)

C. Agenda

8. At the same meeting, on 16 June 2003, the Ad Hoc Committee adopted its provisional agenda, as contained in document A/AC.265/2003/L.1, as follows:

1. Opening of the session.
2. Election of a new member of the Bureau.
3. Adoption of the agenda.
4. Organization of work.
5. Review of progress in the elaboration of a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities:
   (a) Views of Governments and relevant organizations and bodies of the United Nations system on the proposed convention;
   (b) Global policy review of issues and trends related to the advancement of persons with disabilities;
   (c) Outcome of technical meetings and seminars;
   (d) Elements to be considered in the proposals for a convention submitted by the regional commissions of the United Nations, intergovernmental organizations and non-governmental organizations.
6. Panel discussions on priority themes.
7. Debate on the contributions to proposals for the convention, including:
   (a) Nature and structure;
   (b) Elements to be considered;
   (c) Follow-up and monitoring;
   (d) Complementarity between a new instrument and existing instruments.
8. Next steps in the consideration of a convention.
9. Adoption of the report of the Committee on its second session.

D. Documentation

9. The Ad Hoc Committee had before it the following documents:

(a) Provisional agenda and annotations (A/AC.265/2003/L.1);

(b) Proposed organization of work (A/AC.265/2003/L.2);

(c) European Union draft resolution (A/AC.265/2003/L.3);

(d) Draft report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/AC.265/2003/L.4);

(e) Report of the Secretary-General on issues and emerging trends related to the advancement of persons with disabilities (A/AC.265/2003/1);

(f) Report of the Secretary-General on an overview of issues and trends related to the advancement of persons with disabilities (A/AC.265/2003/2);

(g) Report of the Secretary-General on progress in the equalization of opportunities by, for and with persons with disabilities (A/AC.265/2002/3);

(h) Note by the Secretary-General transmitting views submitted by Governments, intergovernmental organizations and United Nations bodies concerning a comprehensive and integral international convention on the protection and promotion of the rights and dignity of persons with disabilities (A/AC.265/2003/4, Corr.1, and Add.1);

(i) Outcomes of an interregional and regional demonstration workshop on accessible information and communications technologies (ICT) and persons with disabilities, held in Manila from 3 to 7 March 2003 (A/AC.265/CRP.7);

(j) Letter dated 23 May 2003 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/AC.265/CRP.8);

(k) Letter dated 26 May 2003 from the Executive Director of the Danish Institute for Human Rights addressed to the Secretary of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/AC.265/CRP.9);

(l) Bangkok recommendations on the elaboration of a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities — outcome of an expert group meeting and seminar held in Bangkok at the headquarters of the Economic and Social Commission for Asia and the Pacific from 2 to 4 June 2003 (A/AC.265/CRP.10);

(m) Note verbale dated 12 June 2003 from the Permanent Mission of South Africa to the United Nations addressed to the Secretary of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/AC.265/CRP.11);

(n) Beirut Declaration and Recommendations on the elaboration of a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities — Outcome of the Arab Regional Meeting on Norms and Standards Related to Development and the Rights of Persons with Disabilities held in Beirut from 27 to 29 May 2003 (A/AC.265/CRP.12);

(o) Compilation of proposals for a comprehensive and integral convention to promote and protect the rights and dignity of persons with disabilities (A/AC.265/CRP.13, Add.1 and 2);

(p) Chairman's summary of the panel discussions (A/AC.265/CRP.14);

(q) Letter dated 18 June 2003 from the Deputy Permanent Representative of Venezuela to the United Nations addressed to the Secretary of the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/AC.265/2003/WP.1);

(r) List of participants (A/AC.265/2003/INF/1).

III. Proceedings of the Ad Hoc Committee

10. The Ad Hoc Committee considered item 5 at its 4th and 5th meetings on 17 and 18 June. Statements were made by the representatives of the following delegations: Australia, Canada, Greece (on behalf of the European Union, and the acceding countries of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the associated countries of Bulgaria, Romania and Turkey, and the EFTA country member of the European Economic Area, Iceland, which aligned themselves with the statement), Mexico, New Zealand, Senegal, Thailand, Uganda, Venezuela, China, Costa Rica, Cuba, Japan, Jordan (on behalf of the Group of Arab States), Lebanon, Morocco (on behalf of the Group of African States), Norway, the Philippines, Qatar, the Syrian Arab Republic, South Africa and the United States, as well as by the observer for Palestine. The representatives of the International Labour Organization (ILO), the Economic and Social Commission for Asia and Pacific (ESCAP), the National Human Rights Commission of India, the Asia Pacific Forum and the World Bank also made statements.

11. The Ad Hoc Committee held a general debate under item 7 at its 6th and 7th meetings on 18 and 19 June. Statements were made by the representatives of the following delegations: Chile, Benin, Canada, Costa Rica, the Dominican Republic, El Salvador, Greece (on behalf of the European Union, and the acceding countries of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia, the associated countries of Bulgaria, Romania and Turkey and the EFTA country member of the European Economic Area, Iceland, which aligned themselves with the statement), Japan, Mexico, Namibia, New Zealand, Venezuela, Australia, Brazil, Fiji, India, Indonesia, Israel, Jordan, Kuwait, Liechtenstein, Nigeria, Peru, the Philippines, Qatar, the Republic of Korea and the Russian Federation, as well as by the observer of the Holy See. The representatives of the International Labour Organization (ILO), the Office of High Commissioner for Human Rights (HCHR), the South African Human Rights Commission (on behalf of National Human Rights Institutions (NHRI)), Disabled Peoples

International, International Disability Caucus, World Federation of the Deaf and World Network of Users and Survivors of Psychiatry, European Disability Forum, the New Zealand Human Rights Commission, People with Disability Australia, Inc. and the Association of Community Legal Centres. The representative of the Department for Disarmament Affairs also made a statement.

12. The Ad Hoc Committee considered the sub-items of 7 as well as item 8 at its 8th to 13th meetings held from 19 to 24 June. The Committee also had a number of informal meetings from 24 to 27 June.

13. At the 2nd meeting on 16 June, the 3rd meeting on 17 June and the 12th meeting, on 23 June 2003, upon the request of the Ad Hoc Committee, the Division for Social Policy and Development, Department of Economic and Social Affairs, organized three panels for delegates and representatives of NGOs. The panels were chaired by Ambassador Luis Gallegos Chiriboga, the Chairman of the Ad Hoc Committee. At the first panel the following experts presented briefings on the typology of international conventions and options for the convention on the rights of persons with disabilities: Mr. Andrew Byrnes (Australia), Mr. Muna Ndulo (Zambia), Ms. Velina Todorova (Bulgaria) and Ms. Deepika Udagama (Sri Lanka). The second panel was devoted to the discussion of the principles of non-discrimination and equality from a disability perspective: critical issues concerning special measures and disability. The following experts made presentations: Ambassador Leadro Despouy (Argentina), Dr. Rangita de Silva de Alwis (Sri Lanka), Ms. Charlotte McClain (South Africa) and Ms. Cynthia Waddell (United States of America). At the third panel on new and emerging approaches to definitions of disability: conceptual framework, varying contexts of definitions, and implications for promotion of the rights of persons with disabilities, the following experts made presentations: Dr. Scott Brown (United States of America), Dr. Catherine Barral (France) and Dr. Kofi Marfo (Ghana). [The Chairman's summaries of these panel discussions are attached to this report. See Annex II.]

IV. Decision

14. At its 14th meeting, on 27 June 2003, the Chairman presented a draft decision. In this connection, the Secretary of the Committee made the following statement:

> "With respect to paragraph 4 of the draft decision for the Working Group to meet intersessionally at the United Nations Headquarters in New York, it is estimated that it would entail the provision of twenty meetings (two meetings per day) with full interpretation services. There will be 250 pages of pre-session, 100 pages of in-session and 100 pages of post-session documentation in six languages.
>
> "The conference-servicing costs of the one session of ten working days are estimated at $562,300, at full cost.
>
> "It is to be noted that two weeks in 2004, the period 5 to 16 January 2004, have been identified when meeting services, conference room and interpretation, can be provided for the holding of the meetings of the Working Group. Documentation services, however, especially pre-session documentation, which is anticipated at a high volume would have to be

prepared during the regular sessions of the General Assembly, which from experience already has very high workloads.

"In this regard, the extent to which the Organization's permanent capacity would need to be supplemented by temporary assistance resources can be determined only in light of the calendar of conferences and meetings for 2004. Provision is made, however, under section 2, General Assembly and Conference Management, of the proposed programme budget for the biennium 2004-2005, not only for meetings programmed at the time of budget preparation but also for meetings authorized subsequently, provided that the number and distribution of meetings are consistent with the pattern of meetings of past years. Consequently, should the General Assembly adopt a draft resolution, no additional provisions would be required."

15. At the same meeting, the Ad Hoc Committee adopted the following decision:

"The Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities decides:

"1. To establish a Working Group with the aim of preparing and presenting a draft text which would be the basis for negotiation by Member States and Observers at the Ad Hoc Committee of the draft convention, taking into account all contributions submitted to the Ad Hoc Committee in advance of the meetings of the Working Group by States, observers, regional meetings, relevant United Nations bodies, entities and agencies, regional commissions and intergovernmental organizations, as well as civil society including non-governmental organizations (NGOs), national disability and human rights institutions and independent experts. Where there are alternative approaches, the Working Group shall present textual options that reflect those approaches.

"2. The Working Group shall comprise twenty-seven governmental representatives designated by the regional groups (Asia 7, Africa 7, Latin America and Caribbean 5, Western Europe and Other 5, Eastern Europe 3). The Working Group shall also include twelve representatives of non-governmental organizations (NGOs), especially organizations of persons with disabilities, accredited to the Ad Hoc Committee, to be selected by those organizations, taking into account the diversity of disabilities and of NGOs, ensuring adequate representation of NGOs from developing countries and from all regions. It will also include a representative from national human rights institutions accredited to the International Coordinating Committee. For the purposes of the Working Group, the modalities of participation for NGOs as contained in resolutions 56/510 and 57/229 shall apply both to NGOs and to national human rights institutions. Selections should be communicated to the Bureau of the Ad Hoc Committee no later than forty-five days after the adoption of this decision.

"3. The Voluntary Fund established by General Assembly resolution 57/229 may be used to support the participation of non-governmental organizations and experts from developing countries, in particular from the least developed countries.

"4. The Working Group shall meet intersessionally at the United Nations Headquarters in New York for one session of ten working days early in 2004,

and will present the outcome of its work on a draft text to the Ad Hoc Committee at its third session.

"5. The outcome of the Group's work on a draft text as presented to the Ad Hoc Committee shall be translated into all United Nations languages, as well as published to the fullest extent possible in formats accessible to persons with disabilities, and circulated as a United Nations document no later than three months before the third session of the Ad Hoc Committee.

"6. The Chairman of the Ad Hoc Committee shall appoint, in consultation with the members of the Working Group, a coordinator of the Group from among the Governmental representatives in order to facilitate its proceedings.

"7. The Secretary-General should provide the Working Group with all relevant documentation, including the report of the second session of the Ad Hoc Committee, as soon as possible and to the fullest extent possible in formats accessible to persons with disabilities.

"8. The mandate of the Working Group shall be terminated upon the presentation of the outcome of its work on a draft text to the Ad Hoc Committee.

"9. The above-mentioned modalities shall in no way create a precedent for other Ad Hoc Committees of the General Assembly."

16. Following the adoption of the decision, the Chairman stated, "All Member States may attend the deliberations of the Working Group."

V. Recommendations

17. The Ad Hoc Committee recommends that the Committee hold its third session in New York, in May/June 2004 and include the dates and the venue in the relevant resolution to be adopted at the fifty-eighth session of the General Assembly.

18. The Ad Hoc Committee invites members of its Bureau to hold an intersessional meeting regarding the preparation and organization of the third session of the Committee, including preparing a provisional agenda, to be issued at least four weeks prior to the third session.

19. With regard to accessibility and in accordance with General Assembly decision 56/474 and resolution 57/229, the Committee invites the General Assembly, at its fifty-eighth session, to examine in greater detail the provision of reasonable accommodation for persons with disabilities in order to facilitate accessibility to United Nations premises, technology and documents.

20. The Ad Hoc Committee recommends to the General Assembly that a convention be elaborated and that negotiations thereon be conducted in the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

VI. Adoption of the report of the Ad Hoc Committee

21. At the 14th meeting, on 27 June 2003, the Committee adopted its draft report to the General Assembly at its fifty-eighth session (A/AC.265/2003/L.4), as orally amended.

Annex I

In accordance with General Assembly resolution 56/510, all non-governmental organizations enjoying consultative status with the Economic and Social Council shall receive accreditation to the Ad Hoc Committee. Other non-governmental organizations may apply for accreditation to the Ad Hoc Committee. The following organizations not in consultative status with the Economic and Social Council were granted accreditation by the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities at its second session:

1. Disability Australia Ltd.
2. Jesh Foundation
3. Northeastern University, Center for the Study of Sport in Society
4. Asociación de Impedidos Fisicos Motores
5. Fondation Telethon
6. HalfthePlanet Foundation
7. Charitable society for disabled people "Stimul"
8. People Who
9. World Network of Users and Survivors of Psychiatry
10. The Hong Kong Council of Social Services
11. Polio Plus — Movement Against Disability
12. Canadian Association for Community Living
13. Centre for Disability in Development
14. Centre for Independent Living of People with Disability of Serbia
15. National Forum of Organizations Working with the Disabled (NFOWD)
16. ABILITY Awareness
17. Central Council of Disabled Persons
18. Confederación Mexicana de Organizaciones en Favor de la Persona con Discapacidad Intelectual, A.C. (CONFE)
19. Council for Canadians with Disabilities (CDD)
20. European League of Stuttering Associations (ELSA)
21. Fondo Teleton de Apoyo a Instituciones
22. Public Interest Law Center of Philadelphia
23. World Federation of the Deafblind (WFDB)
24. People with Disability Australia Incorporated (PWDA)

Annex II

Chairman's Summary of Panel Discussions

Panel I: Typology of international conventions and options for a convention on the rights of persons with disabilities

Panel I had four presenters: Mr. Andrew Byrnes (Australia), Ms. Deepika Udagama (Sri Lanka), Ms. Velina Todorova (Bulgaria) and Mr. Muna Ndulo (Zambia). Mr. Byrnes moderated the panel discussion.

The panel discussed issues concerning a convention on the rights of persons with disabilities in terms of its nature, structure, elements and monitoring system. It also examined how the existing human rights conventions might provide guidance and options for elements in elaborating a new convention, especially in relation to the newly emerging concept, which would incorporate the norms with an equal emphasis on human rights and social development.

The panel explored three models of an international convention: (1) holistic rights model such as the Convention on the Rights of the Child (CRC), which would provide a broader scope of the convention on the rights of persons with disabilities, similar in its holistic and comprehensive nature to that Convention; (2) non-discrimination model based on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which would not require the development of new rights to incorporate the specific conditions and needs of persons with disabilities, but rather the convention would guarantee that persons with disabilities could exercise their general human rights; (3) hybrid model, combining non-discrimination and equality with separate statements of existing rights guarantees tailored to the specific situations of persons with disabilities. Some options were discussed as to the substantive and procedural aspects of these three models, which could provide a basis for a discussion of the new convention and its monitoring procedures.

It was reiterated by all the panellists that the indivisibility, interdependence and interrelatedness of all human rights — civil, political, economic, social and cultural — are of equal importance and equal weight in both jurisprudence and practice. Elaboration of the convention and its monitoring system would benefit from the experience and the on-going jurisprudential discourse on this issue in the Committee on Economic, Social and Cultural Rights.

A number of aspects of the existing monitoring mechanisms were discussed, including useful examples from the experience of the Convention on the Rights of the Child for monitoring a convention on the rights of persons with disabilities. That experience was marked especially by the active role of non-governmental organizations involved in monitoring the Convention. On the other hand, the individual petition mechanisms instituted by other conventions, such as those on racial discrimination and on the elimination of discrimination against women, would be instrumental in addressing specific rights violations. The panel recommended the establishment of an expert body with an active role played by groups of persons with disabilities. The mechanisms would deal with a wide range of actions that protect and promote the rights of persons with disabilities, from individual

complaints to the means to strengthen monitoring, as well as providing technical support to States.

Mr. Byrnes identified the following issues concerning a new convention: (1) a new thematic convention on disability rights; (2) how the convention might be conceived against the background of existing human rights and disability-specific instruments; (3) structure and substantive issues specific to disability and; (4) the options for a monitoring and enforcement mechanism.

Mr. Byrnes considered that a convention on the rights of persons with disabilities would be necessary in order to focus on disability, as the existing human rights bodies already had a number of pressing priorities. The presentation also emphasized that the most effective way of addressing a particular human rights issue, such as disability rights, would be a multi-pronged approach, including a new convention, the mainstreaming of disability into the general human rights system, and continuing work with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and the World Programme of Action concerning Disabled Persons, which would create a multiplier effect in all aspects of development policy and programmes, as well as promoting jurisprudence in disability rights.

Ms. Deepika Udagama examined the need to have a new convention on the rights of persons with disabilities and compared the Conventions on the rights of the child and on the elimination of discrimination against women as possible models, including a hybrid form that would combine a non-discrimination principle with a holistic approach. The presentation discussed the importance of the hybrid model as disability-specific needs should be addressed in the convention. She also stressed the need for a multidisciplinary approach in elaborating the convention, and in the monitoring system.

Ms. Velina Todorova also compared different models for a convention — holistic, non-discrimination and hybrid — focusing on the Convention on the Rights of the Child, including the specific elements that can be drawn from the monitoring system of that Convention.

Mr. Muna Ndulo examined the particulars of the situation of developing countries for the promotion of the rights of persons with disabilities and the specific needs of the societies in which persons with disabilities live in the context of varying developmental stages. The presentation focused on the need for a holistic model convention and addressed the importance of including all stakeholders in the process of elaboration of the convention, as well as in the monitoring, thereby obtaining a broad support basis.

Panel II: The principle of non-discrimination and equality from a disability perspective — critical issues concerning special measures and disability

Panel II had four presenters: Ambassador Leandro Despouy (Argentina), Dr. Rangita de Silva (Sri Lanka), Ms. Charlotte McClain (South Africa) and Ms. Cynthia Waddell (USA). The panel was moderated by Ambassador Despouy.

The panel discussed from a disability perspective how the rights of persons with disabilities are protected and promoted based on the principle of non-discrimination and equality within the existing human rights framework: the discussion included an analysis of issues of critical importance to the equalization of

opportunities for persons with disabilities and identified areas where general human rights protection has not been effective in ensuring the rights of persons with disabilities. The panel further explored implications of this analysis for elaborating a convention on the rights of persons with disabilities. In addition the panel addressed effective measures against disability-based discrimination. An emphasis was accorded to anti-discrimination measures, reasonable accommodation and other alternative responses.

Ms. Cynthia Waddell addressed accessibility as a human rights issue and discussed how ensuring accessibility removes barriers and promotes equality through full participation and inclusion of persons with disabilities in society. Ms. Waddell discussed the rights of access to physical environments and to information and communication and how these rights can be implemented through universal design standards and effective communication. The presentation further elaborated how accessibility promotes non-discrimination and counters segregation, economic marginalization, and other human rights violations.

Ms. Charlotte McClain discussed the application of the principle of non-discrimination and equality to the situation of persons with disabilities in the context of South Africa, from its progressive constitution and legislation for promoting the rights of persons with disabilities to the role of national human rights institutions in monitoring of implementation of the programme of action. A number of stakeholders had contributed to jurisprudential development, which covered a wide range of economic, social and cultural rights. A number of state agencies and civil society played a major role. Her presentation concluded that there is a need for stipulating a comprehensive set of human rights of persons with disabilities in the new convention.

Dr. Rangita de Silva focused on how gender perspectives and gender analysis could inform the principles of non-discrimination and equality and the implications of this analysis for elaborating a convention on the rights of persons with disabilities. The presentation described how women fall into multiple categories of race, religion, class, ethnicity, sexual preference and handicapping conditions. A disproportionate number of women who are victims of sexual abuse are women with disabilities: rape and sexual assault and harassment of women with disabilities are often rendered invisible. Dr. de Silva also discussed transformative possibilities of gender analysis and its application in the context of disability, and she emphasized the importance of this process, which recognizes and capitalizes on the opportunities for capacity-building, education and awareness raising on disability as a human rights issue, and pointed out the danger in rushing this process, as it would result in underutilization of treaty mechanisms in future.

Ambassador Despouy elaborated on the historical evolution of human rights and disability, with reference to the benchmark study he conducted on this issue in the late 1980s as Special Rapporteur on Disability and Human Rights of the Commission on Human Rights. He discussed disability in a wide range of policy and legal contexts, including the political and humanitarian agenda, demonstrating the need to discuss the rights of persons with disabilities based on the indivisibility of both civil and political rights, as well as economic, social and cultural rights.

In conclusion, Ambassador Despouy pointed out that, in the interest of the progressive development of international norms in disability, there should be a binding legal instrument at this time. The discussion also referred to the ongoing

work in streamlining existing human rights treaty bodies so as to harmonize the United Nations human rights treaty mechanism and the importance of the twin-track approach: mainstreaming disability within the existing human rights system and elaborating a convention on the rights of persons with disabilities.

Panel III: New and emerging approaches to definitions of disability — conceptual frameworks, varying contexts of definition and implications for promotion of the rights of persons with disabilities

Panel III had three presenters: Dr. Scott Campbell Brown (USA), Dr. Catherine Barral (France) and Dr. Kofi Marfo (Ghana). The panel discussion was moderated by Dr. Brown.

The panel explored critical issues and concepts relating to disability, which would have a major impact on issues concerning the rights of persons with disabilities in national and international policy and legislative contexts. The purpose of the panel was not to derive an international definition for disability that would be employed as a mechanism for determining who is covered under a disability/human rights convention. Rather, the purpose of examining these issues was to aid in the systematic determination of the convention's scope; such concepts need to be studied, because the viewpoint of what disability is may determine the actual rights that are conferred.

In relation to a new convention and the need for a definition of disability, the panellists were of the view that the discussion concerning contextual variables was essential and the situation of disability should be taken into account. The panellists had a special focus on accessibility, which they deemed more important than the definition of disability. A distinction was made between experiences of impairment and experiences of disability.

Dr. Brown suggested elements for a human-rights-based disability taxonomy and recommended strategies for inclusion of these elements in the context of elaboration of a new convention. The presentation addressed the question of essential principles deriving from social pathology models of disability that might be considered by the Ad Hoc Committee for its future work. The need for a taxonomic approach to human rights and disability were discussed in relation to its potential use in the process of considering a convention. Potential elements to be considered in human rights/disability taxonomy were also outlined.

Dr. Catherine Barral addressed human rights issues focusing on the rights to which all people, regardless of disability status, are entitled. Analyses of how societies marginalize people with disabilities, such as the typology proposed by Jean-Francois Ravaud and Henri-Jacques Stiker for different forms of social exclusion of persons with disabilities, were presented. Concepts related to citizen rights in a civil society were also discussed.

Dr. Kofi Marfo addressed the issues of framing disability in conceptions and definitions of disability. The presentation explained the transition from the old classification system (disorder-impairment-handicap) to that of more enlarged concepts, moving from biological to societal concepts, which identified the need for local concepts, concepts of personhood in varying socio-cultural contexts. It also addressed conceptions of difference at cultural (universalism and evolutionism as transport models as opposed to relativism) and psychological (moving from deficit/negative model to individual model with a view to contextual factors) levels.

United Nations A/58/118/Corr.1

General Assembly

Distr.: General
5 August 2003

Original: English

Fifty-eighth session
Item 119 (b) of the preliminary list*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedom

Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

Note by the Secretary-General

Corrigendum

Report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

The title of the report should read as above.

* A/58/50/Rev.1 and Corr.1.

03-45232 (E) 050803

United Nations A/58/119

General Assembly

Distr.: General
3 July 2003

Original: English

Fifty-eighth session
Item 84 of the preliminary list*
United Nations Relief and Works Agency for Palestine Refugees in the Near East

Persons displaced as a result of the June 1967 and subsequent hostilities

Report of the Secretary-General

Summary

In its resolution 57/119 of 11 December 2002 the General Assembly reaffirmed the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes and endorsed the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to such persons. The Assembly also requested the Secretary-General to report to it, after consulting with the Commissioner-General of the Agency, on the progress made in the implementation of the resolution.

The present report refers to correspondence between the Secretary-General and the Permanent Representative of Israel regarding actions taken by the Government of Israel in implementing the relevant provisions of the resolution. It also presents the information made available by the Commissioner-General to the Secretary-General on the return of refugees registered with the Agency to the West Bank and the Gaza Strip from places outside the Occupied Palestinian Territory.

* A/58/50/Rev.1 and Corr.1.

03-42024 (E) 220703

1. The present report is submitted to the General Assembly in pursuance of paragraph 5 of its resolution 57/119 of 11 December 2002, entitled "Persons displaced as a result of the June 1967 and subsequent hostilities", the operative part of which reads as follows:

> *The General Assembly*,
>
> ...
>
> 1. *Reaffirms* the right of all persons displaced as a result of the June 1967 and subsequent hostilities to return to their homes or former places of residence in the territories occupied by Israel since 1967;
>
> 2. *Expresses deep concern* that the mechanism agreed upon by the parties in article XII of the Declaration of Principles on Interim Self-Government Arrangements of 1993[1] on the return of displaced persons has not been effected, and stresses the necessity for an accelerated return of displaced persons;
>
> 3. *Endorses*, in the meanwhile, the efforts of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to continue to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to persons in the area who are currently displaced and in serious need of continuing assistance as a result of the June 1967 and subsequent hostilities;
>
> 4. *Strongly appeals* to all Governments and to organizations and individuals to contribute generously to the Agency and to the other intergovernmental and non-governmental organizations concerned for the above-mentioned purposes;
>
> 5. *Requests* the Secretary-General, after consulting with the Commissioner-General, to report to the General Assembly before its fifty-eighth session on the progress made with regard to the implementation of the present resolution.

2. On 19 June 2003, the Secretary-General addressed a note verbale to the Permanent Representative of Israel to the United Nations, in which he drew attention to his reporting responsibility under the resolution and requested the Permanent Representative to inform him of any action his Government had taken or envisaged to take in implementation of the relevant provisions of the resolution.

3. In a note verbale dated 1 July 2003, the Permanent Representative of Israel replied as follows:

> "The position of the State of Israel on these resolutions has been set forth in successive annual replies submitted to the Secretary-General in recent years, the latest of which being Israel's note verbale of 15 August 2002. In the light of the desire of the State of Israel to bring an end to all acts of violence and terrorism in the region and achieve a negotiated settlement, as well as the efforts currently underway to restart the peace process, Israel wishes to express its regret that the aforementioned resolutions, concerning the efforts of the United Nations Relief and Works Agency (UNRWA), continue to be rife with irrelevant politicized rhetoric that detracts from the important efforts at hand.

Accordingly, Israel abstained on resolution 57/120, and voted against resolutions 57/117, 57/119, 57/121, 57/122, and 57/123.

"Israel fully supports the humanitarian mission of UNRWA and believes that UNRWA contributes to the alleviation of the suffering of the Palestinian refugees. We remain concerned, however, regarding a number of issues related to the politicization of UNRWA operations. As a humanitarian agency, it is incumbent upon UNRWA to refrain from any actions or statements concerning political questions beyond its mandate. On several occasions, UNRWA has issued irresponsible anti-Israeli statements that ignore the right and duty of Israel to defend its citizens from the campaign of terror being waged against it for close to three years. Israel believes that such statements and, in particular, certain public comments made by the current Commissioner-General exceed the UNRWA mandate, are counterproductive and are not conducive to a productive working relationship. Furthermore, such statements are contrary to the obligation of UNRWA and especially its management to work in an impartial and non-political manner.

"Israel is also concerned that UNRWA has failed to address the problems caused to the fulfilment of its mandate by the extensive terrorist infrastructure that has taken root in Palestinian 'refugee camps'. While Israel recognizes that UNRWA does not have a mandate to enforce security and public order, Israel urges UNRWA to draw attention to the misuse of these 'camps' by armed elements that violate Security Council resolutions and international law, and pose a clear danger to the safety and security of the civilian population and the safe fulfilment of the UNRWA mandate.

"Israel looks forward to continuing its cooperation and working relationship with UNRWA. Accordingly, Israel urges the Secretary-General and UNRWA to consider, together with the parties concerned, ways in which the organization can enhance the fulfilment of its mandate in an accountable and responsible manner in the best interests of those whom UNRWA has been charged to serve."

4. In connection with paragraph 2 of General Assembly resolution 57/119, the Secretary-General has obtained from the Commissioner-General of UNRWA the information available to him on the return of refugees registered with the Agency. As indicated in previous reports on the subject, the Agency is not involved in any arrangements for the return of refugees nor is it involved in any arrangements for the return of displaced persons who are not registered as refugees. Its information is based on requests by returning registered refugees for transfer of their entitlements for services to the areas to which they have returned and subsequent correction of records. The Agency would not necessarily be aware of the return of any registered refugees who did not request the provision of services. So far as is known to the Agency, between 1 July 2002 and 30 June 2003, 879 refugees registered with UNRWA returned to the West Bank and 154 to the Gaza Strip from places outside the Occupied Palestinian Territory. It should be noted that some of these may not themselves have been displaced in 1967, but may be members of the family of a displaced registered refugee. Thus, taking into account the estimate given in paragraph 4 of last year's report (A/57/338), the number of displaced registered refugees who are known by the Agency to have returned to the occupied territories since June 1967 is about 23,930. The Agency is unable to estimate the total number

of displaced inhabitants who have returned. It keeps records only of registered refugees and, as pointed out above, even those records, particularly with respect to the location of registered refugees, may be incomplete.

5. In connection with paragraph 3 of General Assembly resolution 57/119, the Secretary-General refers to the report of the Commissioner-General of UNRWA for the period 1 July 2002 to 30 June 2003[2] and to the previous reports of the Commissioner-General for accounts of the continuous and ongoing assistance provided by UNRWA to persons displaced and in need of continued assistance.

Notes

[1] A/48/486-S/26560, annex.

[2] *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 13* (A/58/13) (to be issued).